

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**NEWMONT USA LIMITED and DAWN  
MINING CO.,**

Plaintiff,

VS.

**ALLSTATE INSURANCE CO., et al.,**

## Defendants.

NO. CV-09-033-JLQ

**ORDER RE: DISMISSAL WITH  
PREJUDICE OF PLAINTIFFS'  
CLAIMS AGAINST ALLSTATE  
AND DIRECTING ENTRY OF  
RULE 54(B) JUDGMENT**

BEFORE THE COURT is a Stipulated Motion to Dismiss (Ct. Rec. 807), whereby Plaintiffs, Newmont and Dawn, and Defendant Allstate Insurance Company have agreed to the dismissal of "all claims between them" with prejudice and without the award of costs. The parties Stipulated Motion to Dismiss (**ECF. No. 807**) is **GRANTED**. There being no just reason for delay, the Clerk of the Court shall enter final judgment pursuant to Fed.R.Civ.P. 54(b) dismissing the claims asserted in the First Amended Complaint (ECF No. 241) against Allstate Insurance Company with prejudice and without the award of costs or attorney fees to any party to the Stipulation.

The moving Defendant remains a party to this litigation as a cross-claimant or cross-defendant.

**IT IS SO ORDERED.** The Clerk of this court shall enter this Order, enter judgment in accordance herewith, and forward copies to counsel for all parties.

Dated this 23rd day of May, 2011.

s/ Justin L. Quackenbush  
**JUSTIN L. QUACKENBUSH**  
SENIOR UNITED STATES DISTRICT JUDGE

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